

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2017-34
)	
NILDA MORTON,)	
)	
Defendant.)	
)	
)	

ATTORNEYS:

Gretchen Shappert, United States Attorney
Delia L. Smith, AUSA
United States Attorney's Office
St. Thomas, U.S.V.I.
For the United States of America,

A. Jeffrey Weiss
St. Thomas, U.S.V.I.
For Nilda Morton.

ORDER

Before the Court is the motion of Nilda Morton ("Morton") to continue the trial in this matter.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. Morton's previously appointed counsel was relieved as counsel on February 27, 2018. Morton's current counsel was appointed on February 28, 2018. The trial in this matter is currently scheduled for March 5, 2018. In light of the

abbreviated period within which newly appointed counsel may prepare for trial, the Court finds that an extension is necessary to allow time to review discovery and investigate Morton's charges. Without such an extension, Morton would be denied reasonable time necessary to explore plea options and prepare for trial.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994); *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not 'complex.'"); see also *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) ("[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense.").

The premises considered; it is hereby

ORDERED that the motion to continue docketed at ECF Number 28 is **GRANTED**; and it is further

ORDERED that the trial in this matter previously scheduled for March 5, 2018, is hereby **RESCHEDULED** to commence promptly at 9:00 A.M. on April 30, 2018; and it is further

ORDERED that the time beginning from the date of this order granting an extension through April 30, 2018, shall be excluded in computing the time within which the trial for Nilda Morton must be initiated pursuant to 18 U.S.C. § 3161.

s\ _____
Curtis V. Gómez
District Judge